



{In Archive} WM Response to my e-mail of 4 Feb 

Stephen Tyahla to: Steve Armann

02/07/2011 08:55 AM

From: Stephen Tyahla/R9/USEPA/US
To: Steve Armann/R9/USEPA/US@EPA,
Archive: This message is being viewed in an archive.

Steve A.,

Late Friday, Joe Whelan responded to my e-mail (attached), and his responses were satisfactory--we (WTR) might want more detail, but I think WM answered the mail. btw, Joe was a bit delayed getting his response out as the mayor of Honolulu visited the site that afternoon, with little notice--seems the visit went well.

After getting the attached responses I did speak with Joe late Friday. That conversation further reassured me they are seriously addressing the items in our Order and are as prepared as they can be for a significant storm. Most importantly, while they are not quite ready to claim the diversion structure as "functional," as of end of Friday, the U ditch and 78-inch diameter pipe are in an alignment to provide significant channeling of storm water around the upper portion of the landfill--that's huge. Deadline for them to have it functional is 15 Feb; a date I believe they'll easily meet.

Additionally, WM has met every deadline on submittals and they are generally in good shape. I'll be sending Joe a deliverables tracking spreadsheet to help he and I track them, including our reviews, etc.

Bottom line from my perspective is this--I don't see any real emergency from significant storms, they've been responsive to the Order and taking appropriate actions in preparation for future rain (especially their pace of getting that diversion structure functional).

Hope this helps.

v/r

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2011-02-04_WM Response re Near-term storm prep.pdf

Arlene Kabei

Steve, what was Whelan's response to the email...

02/07/2011 07:46:09 AM

From: Arlene Kabei/R9/USEPA/US
To: Steve Armann/R9/USEPA/US@EPA, Tom Huetteman/R9/USEPA/US@EPA, "Rich Vaille" <Vaille.Rich@epamail.epa.gov>
Cc: Stephen Tyahla/R9/USEPA/US@EPA, "Arlene Kabei" <Kabei.Arlene@epamail.epa.gov>

Date: 02/07/2011 07:46 AM
Subject: Re: Latest Developments at Public hearings, Waimanalo Landfill, Oahu

Steve, what was Whelan's response to the email that tyahla sent him on Fri afternoon? Was the reply satisfactory or was it still lacking in details or more importantly, a sense of proactive urgency? I think such answers will better inform an EPA answer to your question below. And, this probably needs a discussion, not email, among several internal persons, as well as a call from JS to Gary to, at a minimum, take a temperature with DOH.

WE (tyahla, you, me) need to bring to such a meeting our input of site matters: is WM making progress as they have been ordered to or are they slipping behind? Do they display the sense of urgency, ownership, etc we are looking for in terms of contingency plans and preparedness? Do they seem to have gotten the "message" we tried to send with our Order? What do we sense is the City's role in this...ie, do THEY get it and are engaged/involved and also directing WM, or are they just sitting back and looking to WM to handle?

These impressions and info would be important things to hear at this point. Not because of the incoming from Barnes but more since it's time, being 2 weeks since the Order and following this weekend's threat. If many of the answers to the questions above are that you feel WM is responding as ideally as we would hope for, then we have a basis to push back and stay out. If not, we may need that larger group discussion, inc with JS and Water.

If Tyahla is in today, let's huddle to figure out our story.
Thanks!

Steve Armann

----- Original Message -----

From: Steve Armann
Sent: 02/07/2011 06:56 AM PST
To: Tom Huetteman
Cc: Arlene Kabei; Stephen Tyahla
Subject: Fw: Latest Developments at Public hearings, Waimanalo Landfill,

Oahu

Tom, what are your plans? I have a copy of the approval letter letting the landfill open up. In the letter we conditionally approved their reopening and specifically addressed his issue of a stormwater contingency. In fact, on Friday ... when we thought a major storm was coming ... we reiterated the contingency plan.

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----- Forwarded by Steve Armann/R9/USEPA/US on 02/07/2011 06:54 AM -----

From: Andy Barnes <andy@barnesadvisers.com>
To: Tom Huetteman/R9/USEPA/US@EPA
Cc: Steve Armann/R9/USEPA/US@EPA, Jared Blumenfeld/R9/USEPA/US@EPA
Date: 02/06/2011 05:52 PM
Subject: Latest Developments at Public hearings, Waimanalo Landfill, Oahu

Tom: Thanks for your previous call.

I am writing to follow up on our conversation of last week as there

have been further developments involving the Waimanalo landfill on Oahu. Useful, but disturbing testimony was heard at two hearings (City Council on 1/31 and State Land Use Commission on 2/2) from Tim Steinberger, City official with responsibility for overseeing the landfill, a city attorney (not sure of her name), Dr. Bruce Anderson, former State DOH head and chair of the mayor's new advisory committee for landfill matters, several articulate environmental engineers, Congresswoman Colleen Hanabusa and her attorney, and the senior manager for Waste Management, Inc, Mr. Whelan - not to mention many concerned residents and businessmen. No one was present at either hearing from the State Dept. of Health and its office of environmental oversight. Apparently, DOH chose not to attend the meetings (as we later learned). I am sending this to you and region 9 EPA as many of us are very concerned that the State and City appear to be truly unable to get the crisis at Waimanalo Landfill properly addressed. The State LUC is certainly trying, as is the Honolulu City Council and Congresswoman Hanabusa, but more federal involvement is likely to be needed. This seems to be particularly the case, as Tim Steinberger is stating publically that EPA representatives are apparently satisfied regarding concerns at the Waimanalo Landfill (He even referred to a letter from the EPA but no names), even as DOH investigations of violations are ongoing!

At these hearings, held by the Honolulu City Council and the State Land Use Commission (LUC), some significant information came out. I assume you may have heard some or most of it but in case you missed any of it, my wife and I are providing a brief summary along with a web site for further information. Please see attached report below.

We look forward to your reaction and comments and appreciate your continuing concern.

Regards, Andy Barnes (415 505-3200)

[attachment "Summary of Public Hearings On January 31 and February 2 re WGL, Feb. 6, 2011.doc" deleted by Arlene Kabei/R9/USEPA/US]